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DATE FILED: 4/9/2021

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ISABEL ROBLES NAVA, individually and on behalf of
others similarly situated,

Plaintiff,

-against-

OPAI THAI INC. d/b/a OPAI THAI, OPAI INC. d/b/a OPAI
THAI, YAN BING CHEN, TINA DOE, and NOE
CARRETERO,

Defendants.

1:20-cv-03848-MKV

ORDER TO SHOW CAUSE
AND SCHEDULING ORDER

MARY KAY VYSKOCIL, United States District Judge:

On February 24, 2021, the Court entered an Order granting the motion for Michael Faillace & Associates, P.C. to withdraw as counsel for Plaintiff. [ECF No. 79.] The Order also directed Plaintiff (1) to file a letter advising the Court whether he has retained substitute counsel or will proceed *pro se* on or before March 25, 2021, and (2) to show cause, in writing, why the case should not be dismissed by reason of the Notice of Voluntary Dismissal that he executed or as a sanction for his behavior in this case on or before March 31, 2021. [*Id.* at 2–3.] The Order warned that **“PLAINTIFF’S FAILURE TO COMPLY WITH THE DEADLINES AND OTHER TERMS OF THIS ORDER MAY RESULT IN HIS BEING HELD IN CONTEMPT OF COURT, THE SANCTION FOR WHICH MAY BE DISMISSAL OF THIS ACTION, OR, ALTERNATIVELY, MAY RESULT IN DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE.”** [*Id.* at 3.] An affidavit of service dated March 4, 2021, reflects that Michael Faillace & Associates, P.C. served a copy of that Order and other filings on Plaintiff, as directed by the Court. [ECF No. 83; *see* ECF No. 79 at 3.] To date, Plaintiff has failed to comply with or otherwise respond to the Court’s February 24 Order.

Accordingly, IT IS HEREBY ORDERED that on or before **May 3, 2021**, Plaintiff shall (1) file a letter advising the Court of the status of his representation and (2) show cause, in writing, why the case should not be dismissed by reason of the Notice of Voluntary Dismissal that he executed or as a sanction for his behavior in this case.

IT IS FURTHER ORDERED that the hearing scheduled for April 12, 2021, at 11:00 AM is adjourned to **May 10, 2021, at 11:00 AM**. The hearing will be conducted by videoconference via Microsoft Teams. All parties and attorneys—including Plaintiff Isael Robles Nava, his newly retained counsel (if any), Defendant Yan Bing Chen, and Ren Rong Pan—shall appear and participate **by video**. The parties will receive a link by e-mail. Plaintiff is directed to contact Chambers by e-mail (VyskocilSDNYChambers@nysd.uscourts.gov) to request a link. Dial-in information for the public will be posted on the docket in advance of the hearing.

PLAINTIFF'S FAILURE TO COMPLY WITH THE DEADLINES AND OTHER TERMS OF THIS ORDER MAY RESULT IN HIS BEING HELD IN CONTEMPT OF COURT, THE SANCTION FOR WHICH MAY BE DISMISSAL OF THIS ACTION, OR, ALTERNATIVELY, MAY RESULT IN DISMISSAL OF THIS ACTION FOR FAILURE TO PROSECUTE.

IT IS FURTHER ORDERED that William Kevin Oates, Jr., an employee of Michael Faillace & Associates, P.C., be terminated as counsel for Plaintiff. The Court's February 24 Order granted in its entirety the motion to withdraw filed by Plaintiff's counsel, which sought withdrawal of Michael Faillace personally and his law firm, Michael Faillace & Associates, P.C.

The Clerk of Court is respectfully requested to mail copies of this Order and docket entries 79 and 70 to the *pro se* Plaintiff at the following addresses:

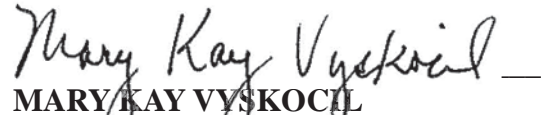
Isael Robles Nava
47-10 48th Ave., 2nd Floor

Woodside, NY 11377

Isael Robles Nava
4150 57th St., 1st Floor
Woodside, NY 11377.

SO ORDERED.

**Date: April 9, 2021
New York, NY**


MARY KAY VYSKOČIL
United States District Judge